

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 549 Continuing Education for Dentists

**SPONSOR(S):** Sirois

**TIED BILLS:** IDEN./SIM. **BILLS:** SB 648

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	13 Y, 0 N	Siples	McElroy
2) Health Care Appropriations Subcommittee	12 Y, 0 N	Mielke	Clark
3) Health & Human Services Committee	15 Y, 0 N	Siples	Calamas

### SUMMARY ANALYSIS

Section 456.0301, F.S., requires health care practitioners with authority to prescribe controlled substances, including dentists, to take a board-approved 2-hour continuing education course on safe and effective prescribing of controlled substances biennially offered by certain statewide professional organizations of physicians. However, if a licensee's practice act requires the licensee to complete a 2-hour course on safe and effective prescribing of controlled substances, then the licensee is exempt from the requirements of s. 456.0301, F.S. Dentists are required to complete at least 30 hours of continuing professional education biennially, but their practice act does not specifically require continuing education on controlled substances.

HB 549 requires dentists to complete a 2-hour continuing education course as a part of the 30 hours of continuing professional education required for biennial licensure renewal. Dentists will no longer be subject to the requirements of s. 456.0301, F.S., including the requirement that the course be offered only by certain physician organizations.

The bill has an insignificant, negative fiscal impact on the Department of Health, which current resources can absorb. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2019.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation

##### Dental Practice in Florida

The Board of Dentistry regulates dental practice in Florida, including dentists, dental hygienists, and dental assistants under the Dental Practice Act.<sup>1</sup> A dentist is licensed to examine, diagnose, treat, and care for conditions within the human oral cavity and its adjacent tissues and structures.<sup>2</sup> The term dentistry also includes:<sup>3</sup>

- Taking impressions of the human tooth, teeth, or jaws by any means or methods;
- Supplying artificial substitutes for the natural teeth or furnishing, supplying, constructing, reproducing, or repairing any prosthetic denture, bridge, appliance, or any other structure designed to be worn in the human mouth on the written order of a licensed dentist;
- Delivering or placing an appliance or structure in the human mouth or the adjusting or attempting to adjust the same;
- Diagnosing, prescribing, or treating or professing to diagnose, prescribe, or treat disease, pain, deformity, deficiency, injury, or physical condition of the human teeth or jaws or oral-maxillofacial region;
- Extracting or attempting to extract human teeth;
- Correcting or attempting to correct malformations of teeth or of jaws; and
- Repairing or attempting to repair cavities in the human teeth.

##### Licensure of Dentists

Any person wishing to practice dentistry in this state must apply to the Department of Health (DOH) and meet the following requirements:

- Be at least 18 years of age or older;
- Be a graduate of a dental school accredited by the American Dental Association or be a student in the final year of a program at an accredited institution;<sup>4</sup> and
- Pass the following licensure examinations:
  - The National Board of Dental Examiners dental examiner (NBDE);
  - A written examination on Florida laws and rules regulating the practice of dentistry; and
  - A practical examination, which is the American Dental Licensing Examination developed by the American Board of Dental Examiners, Inc., and graded by a Florida-licensed dentist employed by DOH for such purpose.<sup>5</sup>

Dentists must also maintain professional liability insurance or provide proof of professional responsibility, unless he or she qualifies for an exemption.<sup>6</sup> If the dentist obtains professional liability insurance, the coverage must be at least \$100,000 per claim, with a minimum annual aggregate of at

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<sup>1</sup> Section 466.004, F.S.

<sup>2</sup> Section 466.003(3), F.S.

<sup>3</sup> Id.

<sup>4</sup> If an applicant attends a school that is not accredited by the American Dental Association, the applicant must complete a program at an accredited dental school and obtain a D.D.S. or D.M.D. from said school or complete at least two years at an accredited full-time supplemental general dentistry program (s. 466.006(3), F.S.)

<sup>5</sup> A passing score is valid for 365 days after the date the official examination results are published. A passing score on an examination obtained in another jurisdiction must be completed on or after October 1, 2011.

<sup>6</sup> Rule 64B5-17.011(3), F.A.C. Exemptions include practicing exclusively for the state or federal government, not practicing in this state, or practicing only in conjunction to teaching duties at an accredited dental school.

least \$300,000.<sup>7</sup> Alternatively, a dentist may maintain an unexpired, irrevocable letter of credit in the amount of \$100,000 per claim, with a minimum aggregate availability of credit of at least \$300,000.<sup>8</sup> The professional liability insurance must provide coverage for the actions of any dental hygienist supervised by the dentist.<sup>9</sup>

### *Dental Continuing Education*

A license to practice dentistry must be renewed biennially by submitting a renewal application to the Board.<sup>10</sup> As a part of that renewal, a dentist must complete 30 hours of continuing professional education in dental subjects, which must include:<sup>11</sup>

- Two hours on the prevention of medical errors;
- Two hours on domestic violence (due every third biennium renewal); and
- Two hours on HIV/AIDS (due for the first renewal only).

### Controlled Substance Prescribers

Effective July 1, 2018, every person registered with the United States Drug Enforcement Administration (DEA) and authorized to prescribe controlled substances, must complete a 2-hour continuing education course on prescribing controlled substances.<sup>12</sup> The course must include information on the current standards for prescribing controlled substances, particularly opiates; alternatives to these standards; non-pharmacological therapies; prescribing emergency opioid antagonists; and the risks of opioid addiction following all stages of treatment in the management of acute pain.

The course can only be offered by a statewide professional association of physicians in this state that is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category 1 Credit or the American Osteopathic Category 1-A medical continuing education on the safe and effective prescribing of controlled substances each biennial license renewal.<sup>13</sup> Currently the course is provided by the:<sup>14</sup>

- Florida Medical Association;
- Florida Osteopathic Medical Association;
- Baptist Health South Florida Quality Network;
- Informed Independent Physician Association;
- Emergency Medicine Learning and Resource Center; and
- Florida Academy of Family Physicians.

This requirement does not apply to a licensee who is required by his or her applicable practice act to complete a minimum of two hours of continuing education on the safe and effective prescribing of controlled substances.<sup>15</sup> This requirement applies to dentists because their practice act does not specifically require a two hours of continuing education on the safe and effective prescribing of controlled substances.

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<sup>7</sup> Rule 64B5-17.011(1), F.A.C.

<sup>8</sup> Rule 64B5-17.011(2), F.A.C.

<sup>9</sup> Rule 64B5-17.011(4), F.A.C.

<sup>10</sup> Section 466.013, F.S.

<sup>11</sup> Section 466.0135, F.S.

<sup>12</sup> Section 1, ch. 2018-13, Laws of Fla., codified at s. 456.0301, F.S.

<sup>13</sup> Id.

<sup>14</sup> Department of Health, *Take Control of Controlled Substances*, available at <http://www.flhealthsource.gov/FloridaTakeControl/> (last visited March 26, 2019). To access a list of providers, select Dentistry.

<sup>15</sup> *Supra* note 12.

## **Effect of the Proposed Changes**

HB 549 requires dentists to complete two hours of continuing education on the safe and effective prescribing of controlled substances, as a part of the 30 hours of continuing professional education required for each biennial licensure renewal. This will exempt dentists from the requirement in s. 456.0301, F.S., including the requirement that the course be offered only by certain physician organizations.

The bill provides an effective date of July 1, 2019.

### **B. SECTION DIRECTORY:**

**Section 1:** Amends s. 466.0135, F.S., relating to continuing education; dentists.

**Section 2:** Provides an effective date of July 1, 2019.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

The Board of Dentistry will have to amend its rules to reflect the changes made by the bill. Current resources can absorb this cost.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Since additional organizations may be eligible to provide the controlled substances continuing education course, organizations currently authorized to offer the course may experience a loss in revenue.

### **D. FISCAL COMMENTS:**

None.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. This bill does not appear to affect county or municipal governments.

#### **2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

The Board has sufficient rule-making authority to implement the provisions of the bill.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**